



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, MAY 1, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

A Special Meeting is Called at 6:30 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: USDC Northern California No. C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Name of Case: Drivers' Placement v. City of Morgan Hill

Case No: CV788941

Court: Santa Clara County Superior Court

Attendees: City Manager, City Attorney, Special Counsel

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Art a la Carte

Recreation Division

INTRODUCTIONS

Sheila Webster, Office Assistant II

Herman Pinales, Maintenance Supervisor

Public Works

CERTIFICATE OF RECOGNITION

Tracy Murphy
California Middle Schools Educator of the Year, 2002

PRESENTATION

Recyclers of the Year
South Valley Disposal and Recycling

CITY COUNCIL REPORT

Council Member Tate

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #9 and Items #10 through #11, may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- | | |
|----|--|
| 1) | <u>BI-ANNUAL VACANCY RATE SURVEY</u> 1
<u>Recommended Action(s): Establish</u> the Bi-Annual Vacancy Rate for April 2002 as Recommended by the Planning Commission. |
| 2) | <u>ACCEPTANCE OF FY 2001-02 WORKPLAN UPDATE</u> 13
<u>Recommended Action(s): Accept</u> FY 2001-02 Workplan Update Report. |
| 3) | <u>2001 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY</u> 45
<u>Recommended Action(s): An Informational Item Only.</u> |

4)	<u>APPROVAL OF SOLE SOURCE PURCHASE OF BICYCLE RACKS</u>	47
	<u>Recommended Action(s):</u>	
1.	<u>Approve</u> Purchase of Bicycle Racks and Lockers from Columbia Cascade Company in Accordance with Section 3.04.120.A (4) of the Municipal Code - Brand Names or Equal Specification and Section 3.04.150.C - Sole Source Purchases; and	
2.	<u>Approve</u> Purchase Order in the Amount of \$13,850.58 to Columbia Cascade Company for the Purchase of 29 Bicycle Racks and One Bicycle Locker for the Bicycle Parking Facilities Project.	
5)	<u>APPROVAL OF SUBDIVISION IMPROVEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P.-JARVIS DRIVE, APN 726-25-012 & 029</u>	49
	<u>Recommended Action(s):</u>	
1.	<u>Approve</u> Subdivision Improvement Agreement, and	
2.	<u>Authorize</u> the City Manager to Sign the Agreement on Behalf of the City with Morgan Hill Development Partners, L.P., - Jarvis Drive (APN 726-25-012 & 029).	
6)	<u>COMMUNITY PARK - APPROVAL OF PROPOSED GATED PEDESTRIAN ACCESS LOCATED EAST OF THE INTERSECTION OF DENALI AND OLYMPIC DRIVES</u>	61
	<u>Recommended Action(s):</u> <u>Direct</u> Staff to Provide a Gated Pedestrian Access to Community Park Located East of the Intersection of Denali and Olympic Drives.	
7)	<u>AWARD OF PURCHASE ORDER FOR FINAL RELOCATION OF TEMPLE EMMANUEL CHURCH</u>	67
	<u>Recommended Action(s):</u>	
1.	<u>Determine</u> , in Accordance With Section 3.04.150 A of the City Municipal Code, That the Competitive Bid Process for the Final Relocation of Temple Emmanuel Church Would Not Likely Result in a Lower Price to the City from a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Community Playhouse Project, and	
2.	<u>Approve</u> Purchase Order in the Amount of \$40,000 with Trost Construction for the Final Relocation of the Temple Emmanuel Church as a Part of the Community Playhouse Project and Authorize a 10% Contingency.	
8)	<u>RESOLUTION IN SUPPORT OF FISCAL YEAR 2002/2003 TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 GRANT REQUEST</u>	71
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution Regarding Submittal of Request to the Metropolitan Transportation Commission for the Allocation of the 2002/2003 Fiscal Year TDA, Article 3, Pedestrian/Bicycle Project Funding.	
9)	<u>APPROVAL OF A CONTRACT CHANGE ORDER FOR NIGHT TIME WORK FOR THE 2001-02 PAVEMENT RESURFACING PROJECT PHASE II - DOWNTOWN MONTEREY</u>	79
	<u>Recommended Action(s):</u> <u>Approve</u> a Contract Change Order to C.F. Archibald Paving, Inc. for Performing Night-time Work to Minimize Disruption to Downtown Merchants During Grinding and Paving Operations.	

City Council and Redevelopment Agency Action

10)	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR APRIL 17, 2002</u>	81
11)	<u>APPROVE JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES FOR APRIL 24, 2002</u>	95

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
12)	30 Minutes	<u>ZONING AMENDMENT APPLICATION ZA 01-20: TENNANT-SAFEWAY</u>	103
		<u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <u>Motion to Waive</u> the Reading in Full of the Zoning Amendment Ordinance. <u>Motion to Introduce</u> the Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
13)	5 Minutes	<u>AMENDMENT TO MORGAN HILL MUNICIPAL CODE, CHAPTER 2.68 – LIBRARY COMMISSION</u>	125
		<u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <u>Motion to Waive</u> the Reading in Full of the Ordinance. <u>Motion to Introduce</u> the Ordinance by Title Only. (Roll Call Vote)_____	

OTHER BUSINESS

	Time Estimate		Page
14)	15 minutes	<u>APPROVAL OF WATER, SEWER AND STORM WATER MASTER PLANS (Continued from April 3, 2002 Meeting)</u>	131
		<u>Recommended Action(s): Approve</u> Updated Water, Sewer and Storm Water Master Plans.	
15)	15 Minutes	<u>REQUEST FROM THE MORGAN HILL COMMUNITY HEALTH FOUNDATION FOR THE APPROVAL OF FUNDING FOR TWO PROGRAM INITIATIVES</u>	155
		<u>Recommended Action: Consider</u> Request from the Morgan Hill Community Health Foundation for the Approval of Funding for Two Program Initiatives.	
16)	10 Minutes	<u>ALL AMERICA CITY APPLICATION</u>	165
		<u>Recommended Action(s): Council Discretion.</u>	
17)	10 Minutes	<u>REQUEST FROM SANTA CLARA COUNTY FOR CITY SPONSORSHIP OF THE “UNITY IN DIVERSITY DAY” CELEBRATION</u>	167
		<u>Recommended Action(s): Council Discussion and Direction.</u>	

City Council and Redevelopment Agency Action

OTHER BUSINESS

	Time Estimate		Page
18)	30 Minutes	<u>COMMUNITY PLAYHOUSE PROJECT CONSTRUCTION</u>	171
		<u>Recommended Action(s):</u>	
		1. If the Redevelopment Agency/City Council (RDA/Council) Wants to Keep the Community Playhouse Project on Schedule with Completion by the End of 2002, it Should:	
		a. <u>Appropriate</u> \$600,000 from the Redevelopment Agency's Unappropriated Fund Balance for a Total Project Cost of \$3,100,000;	
		a. <u>Approve</u> Plans & Specifications and Adopt Project Budget, and	
		b. <u>Award</u> the Contract to Kent Construction, Inc. in the Amount of \$2,212,213;	
		<i>Or</i>	
		2. If the Agency Is Willing to Accept a Delay in Schedule and Wants to Discuss Possible Project Alternatives, Then it Should <u>Schedule</u> the Matter for Further Discussion at the Next RDA/Council Meeting on May 15, 2002.	

City Council Action

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

19)	1 minute	<u>ADOPT ORDINANCE NO. 1549, NEW SERIES</u>	177
		An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to Establish a Planned Unit Development for a 4 -Lot Commercial Project on an 6.22-acre Site Located at the Intersection of Cochrane Road and Monterey Road, East of the Union Pacific Railroad Tracks. (APN 764-10-004)	
20)	1 minute	<u>ADOPT ORDINANCE NO. 1556, NEW SERIES</u>	197
		An Ordinance of the City Council of the City of Morgan Hill Re-zoning 1.95 Acres, Fronting onto Mast Avenue from Service Commercial to General Industrial. (APN 817-02-050)	
21)	1 minute	<u>ADOPT ORDINANCE NO. 1557, NEW SERIES</u>	203
		An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance 576, New Series, to Allow an Increase in the Number of Occupants of the Senior Care Facility Located at 17090 Peak Ave. From 15 to 28 Beds.	
22)	1 minute	<u>ADOPT ORDINANCE NO. 1558, NEW SERIES</u>	207
		An Ordinance of the City Council of the City of Morgan Hill Pre-zoning 14 Acres, Located on the West Side of Peet Road - Between Cochrane Road and Half Road from County A-20S to City R-1(12,000). (APN 728-34-002)	

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT